

## FREQUENTLY ASKED QUESTIONS

- **What if I want mediation and the other person doesn't?**

Mediation is voluntary. If one person chooses not to participate, mediation cannot take place.

- **Can you use mediation instead of disciplinary action?**

Mediation cannot be used to replace a disciplinary action. However, it can be used in addition to the action in order for each person to better understand the other's view.

- **If the mediation is not successful, will mediators go to court or testify about this issue?**

No. Mediation is confidential. All people in mediation sign an agreement to keep mediation confidential before a session takes place. That includes a clause that prohibits mediators from being asked to testify.

- **Do I need an attorney?**

No. Attorneys do not usually attend the mediation session. If you have an attorney, please let your mediator know before hand.

- **Is there a charge for mediation?**

No. Mediation is free to all state employees.

- **Where does the mediation occur?**

Mediations occur at a neutral location, usually in the State Office Building in Salt Lake City. If you are at a location outside of the Wasatch Front, a neutral location will try to be found in your area.

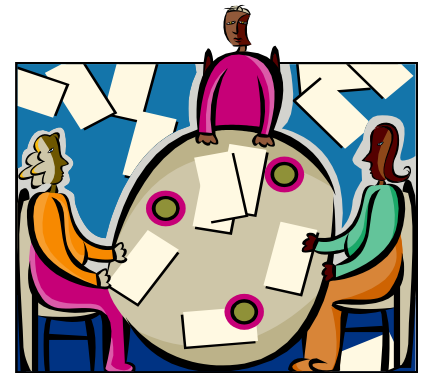
For more information about the  
Mediation Program, please contact:

State of Utah  
Dept. of Human Resource Management  
State Office Building  
Suite 2120  
Salt Lake City, UT 84114  
(801) 538-3025  
TTY (801) 538-3696

or online at  
[www.dhrm.utah.gov](http://www.dhrm.utah.gov)

## Mediation for State Employees

**An alternative to  
grievances**



For more information about the  
Mediation Program, contact  
DHRM's ADR Coordinator

Cory Ervin, at (801) 538-3068

or see the DHRM website under  
"Employee Relations"—  
[www.dhrm.utah.gov](http://www.dhrm.utah.gov)

## WHAT IS MEDIATION?

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Mediation provides employees, supervisors and managers an opportunity to resolve conflicts in an informal and less intimidating way. The end result often includes improved working relationships and more open lines of communication. With mediation, there's nothing to lose by simply trying it.

How does it work? When there is a dispute which can not be resolved or a formal grievance is filed, mediation can be requested by either an employee or an agency by contacting DHRM's ADR Coordinator. After initial screening to determine if mediation is appropriate, the Coordinator will schedule a session at a neutral location with a qualified mediator. If a grievance has been filed, the grievance timelines are suspended until the mediation process is complete.

If mediation is successful, the employee's agency human resource office is notified that mediation has concluded and/or that the employee's grievance is withdrawn. Since details about the mediation are confidential, including discussion and any subsequent agreements, notification to the agency is limited and only includes information about the outcome (*i.e.* grievance is "resolved", "partially resolved", or "not resolved") and any subsequent action required following the mediation



## WHY USE MEDIATION?

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**Problems can be resolved before they escalate.** Workplace problems that are not solved have a way of growing into much bigger problems. With mediation, little problems can be resolved before the employee becomes so dissatisfied that he/she files a grievance or a lawsuit,

**Individuals are in charge of their own cases.** Mediators DO NOT determine the outcome of cases. The mediator just makes sure both people get a chance to be heard, in a respectful, non-judgmental way, and assists them in reaching their own solution.

**Parties are on an equal footing since mediators are neutral.** Sometimes when there is a dispute, one person feels less powerful than the other person. This could be due to rank (job title), length of service, educational level, size of person, or degree of aggression. The mediator does not allow anyone to feel intimidated and, therefore, mediation is a more comfortable process for solving conflict than some of the other processes.

**There's nothing to lose by trying mediation.** Since any settlement agreement must be acceptable to BOTH people in the mediation, there is nothing to lose by trying it. If mediation does not result in an agreement, the person can still file a grievance.

**The content of the mediation is confidential.** The supervisor usually knows when an employee goes to mediation. However, no information about what was discussed in the mediation is given to anyone. The people being mediated also

sign an agreement stating that they will keep the contents of the mediation confidential.

**Helps reduce feelings of hostility.** When a workplace conflict goes on for a long time, one or both people become resentful. They often stop communicating, or else communicate ineffectively. Mediation helps each one understand the other's point of view.

**Improves morale.** When there is a conflict or communication problem left unresolved, the morale of the employees involved, as well as the morale of other employees who work in the same area, suffers. Time is wasted complaining about problems. Once the mediation takes place, employees can spend less time and energy on the conflict, and enjoy doing their work.

**Improves working relationships.** One need not socialize with co-workers if they choose not to do so. However, working relationships based on mutual respect are important in keeping employees happy and focused on their work. They are more likely to go the extra step to help a fellow employee when there's a good working relationship.

**Mediation promotes a win-win outcome.** In most mediation cases, both people involved say they are satisfied with the outcome and that their situation is improved. In other forms of dispute resolution, there is usually a "winner" and a "loser." No one wants to be the "loser."

